



Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 6/12/2002

GAIN Report #GM2009

Germany

Organic Products

Nitrofen Found in Organic Livestock Products and Feeds 2002

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Report Highlights:

Residues of the banned herbicide Nitrofen were found in organic livestock products and organic feeds in Germany. Although parts of the organic industry had knowledge about the contamination, notification of government authorities was delayed by several months. Products known to be contaminated have reportedly been taken off the market. Updates will follow as more information becomes available.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Berlin [GM1], GM

Nitrofen - Food Scandal in German Organic Market

Summary: Residues of the banned herbicide Nitrofen have been found in organic poultry meat, eggs, pork and feeds in Germany. The reported residue levels in organic feeds and livestock products are extremely high in a number of samples, with extreme content variance between samples. Therefore, toxicology and plant chemical experts excluded illegal application of the prohibited herbicide Nitrofen in grain fields as the source of contamination. On June 1, investigators identified a former agricultural chemical storage facility of the former East German government as the contamination source of organic feed grains. In addition to Nitrofen, traces of DDT, Lindan and Methoxichlor were found in grains which had been stored in a former East German chemical storage site. The initial findings of Nitrofen in turkey meat were made in December 2001 by a German baby food manufacturer. However, government officials were not informed about this finding until May 21, 2002. Since then most retail chains have taken organic poultry products off their shelves. Specialized organic stores have not reacted in the same way.

On May 30, 2002, Minister Kuenast, in cooperation with the authorities of the federal states, formed several task forces to investigate this recent scandal and to develop new legislation to guarantee that future food contaminations will be officially reported immediately. The task forces ordered intensive sampling and testing for Nitrofen residues in organic livestock products, and also in conventional livestock products. The feed mill selling Nitrofen contaminated feeds was ordered to temporarily close their organic processing section. The media reports that the Czech Republic and Slovakia have closed their borders to imports of German poultry products for the next two weeks. Lithuania reportedly stopped importing German poultry products and feed stuffs. The European Commission is discussing a possible ban on German organic livestock exports, mainly because of the extremely slow progress in obtaining information related to this incident.

As of June 10, detailed information is not yet available on how much grain had been stored in the contaminated storage facility in Malchin in north-eastern Germany. It is also not absolutely clear how long this facility has been used to store organic grains. Grain from this facility has been sold to an organic feed mill in Niedersachsen. There are also unconfirmed reports that some of the grain could have ended up in organic bakeries. The feed mill sold its organic feeds to 73 farming operations throughout Germany. The Ministry of Consumer Protection, Food and Agriculture (BMVEL) reports that all these farms have been identified, and potentially contaminated livestock products have been taken off the market.

Last week, authorities discovered that the contaminated facility in Malchin had been used for conventional grain storage from July 1, 1999 through June 31, 2001. Grain from this storage period was reportedly sold into intervention (1,500 tons of barley) and later exported to Denmark. Samples are no longer available. End Summary.

History

According to official German investigations, a German baby food manufacturer in December

2001 detected high levels of Nitrofen residues in turkey meat it had contracted for processing. The German pesticide residue ordinance tolerates a maximum level of 0.01 mg/kg, which is equal to the detection level. This company reportedly maintains an excellent HACCP program and was the first entity to detect the Nitrofen, which has been prohibited from use in crop production in Western Germany since 1988, and since 1990 in Eastern Germany. The baby food company rejected this turkey meat and investigated the source for the contamination, but did not inform government officials. Several different private food labs participated in this investigation. Also, the Federal Institute for Meat Research was contracted to test one contaminated sample. Although this test was Nitrofen positive, the Federal Institute did not inform official supervisory offices. The institute argued that this had been a private contract for a one time contamination case. The contract partner had assured the Federal Institute that the contaminated meat would be destroyed.

In March, a feed mill in Niedersachsen had been identified by private sources as the supplier of contaminated organic poultry feeds. This feed mill had reportedly processed 550 tons of contaminated wheat and triticale from domestic production, and manufactured it with other ingredients into about 8,000 to 9,000 tons of poultry feed. Analytical tests of 31 grain samples taken during the period November 2001 through March 2002 showed Nitrofen residue levels of up to 5.96 mg/kg. It seems that all of the organic poultry producers which had Nitrofen positive product, had been buying feed stuffs from this mill. It is not publically known how much of the contaminated 9000 tons of poultry feed had been sold during November 2001 through March 2002. This feed milling company is primarily a conventional feed manufacturer; only 10 percent of its output is organic. The production of organic feeds is done in a separate milling location which is about ten kilometers from the main mill. This implies that the organic material does not have any contact with conventionally produced grains.

The feed mill had sourced the organic grains from a trading company in Malchin in the state of Mecklenburg-Vorpommern. Here, the organic grains had been stored in bulk in a building which, up to 1990, had been used as a storage for agricultural chemicals, including Nitrofen, DDT, Lindan and Methoxichlor, during the former communist era in Eastern Germany. All of these chemicals were stored in bags or containers in this building. The trading company just recently (August 2001) began to use the building for bulk organic grain storage. In previous years, this building has been used for many different purposes by different owners, including a boat garage, a product show room and conventional grain storage. The building never had been officially declared as being fit for food and feed storage. Earlier owners of the building claim that the grain traders had been informed about the history of the facility. Nearly 100 tons of herbicides and pesticides had been stored in the building by the end of the GDR. These chemicals were disposed of during the early 1990s. The building was then broom-cleaned. It is not yet absolutely clear how Nitrofen got in touch with the organic grains at the reported high contamination levels. Police and attorneys are still investigating the case. Rumors about sabotage have not been substantiated. Experts are of the opinion that the extremely varying contamination levels from zero to six milligram per kilogram support the theory that the former chemical storage building in Malchin had been the source for the Nitrofen contamination.

The knowledge about the Nitrofen residue presence had been already relatively wide spread before it became a public food scandal. On March 28, reportedly three private organic

certification organizations held a telephone conference on the Nitrofen issue. Intensive written communication had also gone back and forth between the feed mill, its insurance company, a major poultry processing plant, the grain merchant, food labs, organic certifiers and others. Also a major German organic producer organization admits that they had been informed by early April, and trusted that the organic certifiers themselves had appropriately informed state and federal ministries. The scandal was made public on May 21 when a turkey meat processor informed the Federal Ministry of Consumer Protection and Agriculture in Bonn/Berlin. Federal officials then investigated the issue and informed state ministries about the Nitrofen contamination on May 23.

What happened to the contaminated poultry meat is not yet absolutely clear. Part of the total volume - 19 tons - was intended for exports as pet food to Russia. The shipment was stopped at the boarder, returned and destroyed. The meat industry association claims that all detected contaminated product has been destroyed. However, additional products contaminated with Nitrofen are still being found. All farms which were customers of the organic feed mill are being tested for Nitrofen. In cases of positive tests, all animals will be killed and destroyed.

Actions

Since media interest and coverage on this Nitrofen incident is very intense, this will most likely be a major setback for the organic industry. The major German conventional food retailers who also carry organic products have taken organic poultry products off the shelves. However, additional contaminated product is still being found. The federal ministry reports that all detected contaminated poultry products will be called back and destroyed. Actually, consumer interest in organic foods had already slowed down somewhat during recent months, after a steep increase in 2001 due to the BSE crisis. The Nitrofen case is politically difficult for Minister Kuenast, because of her extremely biased support for organic agricultural production methods, as opposed to conventional production.

On May 30, the Federal Ministry of Consumer Protection (BMVEL) formed task forces with the following obligations:

- BMVEL asked the Laender (states) to provide information about all the measures implemented to straighten out the scandal, testing programs and product recalls. The ministry asked the involved industry associations to urge their members to apply appropriate control actions and to inform the relevant ministries about their activities. The Federal Ministry also asked the Laender to expand the Nitrofen testing programs to conventional foods and feeds.
- BMVEL intends to install a monitoring program for plant pesticides which are no longer in use.
- BMVEL intends to instruct federal research institutes to inform relevant official supervision levels about violations of the German/EU food law, detected in the process of conducting privately contracted work.
- BMVEL intends to explore the legal option to require food and feed processors to

inform official supervisory levels about all silent product recalls even before this becomes binding through EU law in 2005.

Legal Situation

In 2001, the European Commission had performed an inspection of German food safety systems in the states of Bayern and Sachsen. Their findings were that the communication between a detection of a violation and informing supervisory levels, which then could initiate product recalls, is extremely and unduly long.

German law on when a contaminated food incident must be reported to the government appears to be subject to considerable interpretation. We understand that German law does not require food companies to disclose the detection of contaminated product, if the product does not result in a public health risk. Exceeding the government established residue limits for pesticides is not automatically considered to be a public health risk. We also understand that a food company is not required to inform the government if it rejects potential inputs because they were contaminated. It is reportedly the supplier's responsibility to report the contaminated product, provided it is deemed a public health risk. In the case of feed, German law requires a feed company to inform the government as soon as the company is aware that the feed may cause a public health risk to humans or animals, even if the feed has not yet left the establishment and is destined for destruction. In this particular Nitrofen case, there appears to be considerable difference between the government and the industry on whether and when a public health risk occurred. The government is reportedly considering ways to tighten its laws.